

**CRIMINAL OFFENDER RECORD (CORI) CHECKS
APPLICATION FOR EXEMPTION FROM CERTAIN REQUIREMENTS
Pursuant to 105 CMR 950.107**

The hiring authority of vendor agency programs funded by DPH are required, pursuant to 105 CMR 950.106, to submit written documentation to DPH upon a decision to hire any candidate that has been convicted of or has a pending charge for any of the crimes listed on Tables A - C. If the offense is on Tables A or B, the hiring authority is not permitted to proceed to hire the individual for five business days from date of receipt of the submission by the Department, during which time the Commissioner may, after review, disapprove the hire. 105 CMR 950.107, allows a vendor agency program to apply to the Commissioner for an exemption from the requirement of the five day review for candidates with Table B offenses. The exemption is not available to programs that serve clients 16 years of age or younger or if they serve a population that is primarily 65 years or older. The exemption from submission is also not applicable to candidates with Table A offenses. The regulatory language is as follows:

950.107: Exemption from Certain Requirements

The Commissioner may grant a funded or operated program an exemption from the requirements of sections 950.106 (4)(a), except for those candidates in the lifetime presumptive disqualification category, upon determination by the Commissioner that an exemption is warranted following consideration of the following criteria:

- (1) The service needs and level of vulnerability of the clients served by the program;*
- (2) The potential benefits and risks to those clients as a result of the exemption;*
- (3) The hiring authority's capacity to perform the review required by 950.106.*

Whenever the Commissioner grants the exemption, he shall document in writing the basis for determining that the exemption is warranted, including providing an assessment of the level of vulnerability of the clients served by the program. The Commissioner may revoke the exemption at any time without prior written notice. No program shall be eligible for an exemption pursuant to this section if it serves clients 16 years of age or younger or if it serves a population that is primarily 65 years of age or older.

Programs must submit the application on the provided form. It should be submitted by mail to:

CORI Coordinator
Office of the General Counsel
Department of Public Health
250 Washington Street
Boston, MA 02108

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105 CMR 950.000
Application for Exemption from Certain Requirements
105 CMR 950.107

To apply for an exemption, a vendor agency should provide the following information:

1. Name of agency: _____

2. Address of agency: _____

3. Vendor ID #: _____

4. Name and title of the contact person: _____

- Phone number: _____
- Fax number: _____
- Email address: _____

5. Name of the program for which the exemption is requested: _____

- DPH contract number, if appropriate: _____

6. Name of any other state agencies that fund this program, if applicable: _____

- Contact person at other state agency: _____

- Percentage of funding from each agency _____

7. Description of the program for which the exemption is requested. _____

8. Nature of Services provided by program (check all that apply and provide details on services):

- ☐ Outreach
- ☐ Health education
- ☐ Meal & nutrition services

- ☐ Counseling & case management services
- ☐ Residential support
- ☐ Medical services
- ☐ Others

9. Description of the clients served by the program (check all that apply and provide details on client groups) Note: an exemption is not available to programs that serve clients 16 years of age or younger or that serve a population that is primarily 65 years of age or older.:

- ☐ Over age 16 and primarily under age 65
- ☐ Impaired mental status
- ☐ Physically restrained or dependent on care
- ☐ Not otherwise significantly impaired
- ☐ Other (use attachments, if necessary)

10. Description of program criteria for determining need and vulnerability of clients (Be as specific as possible, and use attachments if necessary):

- A. _____

 B. _____

 C. _____

 D. _____

11. The potential benefits and risks to those clients as a result of the exemption from the requirement to undergo the five-day review prior to hiring the candidate. _____

12. Description of program capacity to protect clients from potential risk of harm.

Taking into consideration the level of need and the vulnerability of program clients, describe the program's capacity to supervise and adequately monitor program employees, regular trainees, and/or volunteers who may have unsupervised contact with clients (Check all that apply, and provide specifics for each item):

- ☐ CORI investigations are completed and reviewed for supervisors, employees, regular trainees, and volunteers, as required and/or appropriate.
- ☐ The program has official policies and procedures related to client protection and crime prevention and reporting (please attach copies).

- ☐ Orientation and training for all supervisors, employees, regular trainees, and volunteers specifically addresses 1) the program's client protection and crime prevention policies and procedures and 2) the roles and responsibilities of supervisors, employees, trainees, volunteers and others in implementing those policies and procedures.
- ☐ Physical environment of workplace ensures that employees are rarely outside of the presence of a CORI cleared employee or supervisor. If not, please explain: _____

- ☐ Physical environment of workplace ensures easy visual contact between supervisors and employees. If not, please explain. _____

- ☐ Supervisory staff provides regular supervision and written reviews of employee performance at least twice a year. If not, please explain: _____

13. A description of the hiring authority's capacity to perform the review required by 105 CMR 950.106. _____

14. A description of the program's hiring process including, but not limited to:

- Composition of the hiring team. _____

- Review process prior to deciding to hire candidates, particularly those with backgrounds that include a criminal history. (include a copy of the policies and procedures, if any) _____

- Hiring policies and procedures as they relate to candidates with backgrounds that include a criminal history. (include a copy of the policies and procedures) _____

